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Safeguarding Complaints Handling and Reporting Procedure

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1. Introduction

- 1.1 This procedure is part of the Mary MacKillop Spirituality Ministry (MMSM) Safeguarding Framework, which also includes the Safeguarding Commitment Statement, the Code of Conduct, and the Safeguarding Policy.
- 1.2 Safeguarding complaints may be received through the Safeguarding Policy, the Complaints and Grievance Management Policy, or the Whistleblowing Policy.
- 1.3 The purpose of this procedure is to provide operational procedures to handle, manage and report safeguarding complaints, however they are received.
- 1.4 MMSM takes all safeguarding complaints seriously and will respond to each complaint in accordance with this procedure.

2. Scope

This procedure applies to all workplace participants, who include: The Board of Directors of MMSM, MMSM committee members, lay employees, Sisters in nominated roles, Clergy in nominated roles, contractors, and volunteers.

3. Key terms are defined in the Safeguarding Policy and the Complaints and Grievances Management Policy.

4. Overarching Principles

- 3.1 Safety of all individuals is the primary priority when handling safeguarding complaints.
- 3.2 It is difficult for all individuals, particularly adults at risk and children, to disclose abuse, and an appropriate response to any disclosure is critical for the recovery process of a survivor.
- 3.3 In responding to complaints, MMSM will pay particular attention to the needs of First Nations peoples, children who are unable to live at home, adults at risk who reside in residential / care facilities, people with disability, people from culturally and linguistically diverse backgrounds, and people with diverse needs.
- 3.4 MMSM acknowledges that power imbalances may exist between a complainant and a respondent and between workplace participants at MMSM managing the complaint.
- 3.5 MMSM will be mindful of identifying and managing any conflicts of interest that may exist.

4. Roles and Responsibilities

4.1 **All Workplace Participants will:**

- 4.1.1 immediately report safeguarding complaints, including ensuring any allegation of abuse is appropriately reported to regulatory authorities and

MMSM in accordance with this procedure.

4.1.2 raise any perceived or actual conflicts of interest.

4.1.3 other than meeting reporting requirements, maintain confidentiality of the complaint.

4.2 The MMSM Board will:

4.2.1 develop organisational control and compliance systems that prevent, detect, and respond to harm and convene on an urgent basis to support and guide decision making in the event of suspected child abuse or breach of the safeguarding policy or code of conduct.

4.3 The Safeguarding Committee will:

4.3.1 identify and address systemic issues resulting from analysis of specific safeguarding complaints.

4.3.2 oversee safeguarding investigation and any disciplinary action against the CEO.

4.3.3 review and update this Procedure as required.

4.4 The CEO will:

4.4.1 proactively address barriers to receiving complaints and feedback, including tackling power imbalances that may inhibit feedback,

4.4.2 comply with requirements of the CEO as head of the organisation in relation to Reportable Conduct Schemes,

4.4.3 oversee safeguarding investigations and any disciplinary action against Workplace Participants, including ensuring conflicts of interest are managed.

4.4.4 make required external reports (or ensure that such reports have been made) to statutory bodies, such as reportable conduct, child protection, or the police. Coordinate and cooperate with authorities as required.

4.5 Centre Hosts will:

4.5.1 encourage team members to speak up and raise safeguarding concerns without fear of retaliation and act as focal points for safeguarding complaints in their Centers.

4.6 Finance and Corporate Services Manager will:

4.6.1 receive and manage safeguarding concerns or complaints,

4.6.2 offer assistance and support to complainants, particularly in relation to meeting external reporting obligations.

4.6.3 provide advice to the CEO in relation to obligations under Reportable Conduct Schemes.

4.6.4 advise the safeguarding committee of non-identifying details of the



complaint.

- 4.6.5 conduct internal workplace safeguarding investigation or oversee external investigations.
- 4.6.6 manage any perceived or actual conflicts of interest.
- 4.6.7 ensure that records are kept and maintained for all aspects of safeguarding complaints and investigations, complaints or allegations raised about the organization's Workplace Participants.
- 4.6.8 conduct workplace investigations (or engage investigators) for safeguarding.
- 4.6.9 recommend and conduct remedial action because of safeguarding investigations.

5 Responding to Complaints received in person or by phone

5.1 First Response (for complaints received in person or by phone)

- 5.1.1 Let the complainant use their own words to explain what has occurred.
- 5.1.2 Reassure them that you take what they are saying seriously; it is not their fault, and that they are doing the right thing.
- 5.1.3 Do not leave them in a distressed state. If they seem at ease in your company, stay with them, otherwise get support from the Finance and Corporate Services Manager, or Centre Host.
- 5.1.4 Offer the adult or child complainant support or pastoral care as appropriate.
- 5.1.5 If the complainant is the child survivor:
 - 5.1.5.1 Try to separate them from other children discreetly and listen to them carefully.
 - 5.1.5.2 If you believe that the child is at immediate risk of harm, do all within your legal power to ensure the child's immediate safety, such as calling triple zero (000).
 - 5.1.5.3 Explain to the child that information about the complaint will need to be reported to the Finance and Corporate services Manager who will provide follow-up support.
 - 5.1.5.4 Explain that the information may also need to be shared with others, such as with their parent/caregiver (if safe to do so), specific people in your organisation, or to regulatory authorities; and
 - 5.1.5.5 Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- 5.1.6 If the complainant is an adult at risk:
 - 5.1.6.1 Try to separate them from other people discreetly and listen to them carefully.
 - 5.1.6.2 If you believe that the adult at risk is at immediate risk of harm, do all within your legal power to ensure their immediate safety, such as calling triple zero (000).
 - 5.1.6.3 Explain that information about the complaint will need to be reported



to the Finance and Corporate Services Manager, who will provide follow-up support.

- 5.1.6.4 Discuss with the adult at risk that this information may need to be shared with others, such as with their care giver (if safe to do so), specific people in your organisation, or to regulatory authorities; and
- 5.1.6.5 Do not make promises to the adult at risk such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- 5.1.6.6 Empower the adult at risk in decision making.
- 5.1.7 Keep a clear written record of the complaint (either during if possible or immediately after including any information about support provided or other information shared. Information should be recorded using the [Safeguarding Complaints Record Form](#).
- 5.1.8 Workplace participants should not investigate, interview, ask leading questions, or speak with other people to find more information about the concern. Obtain only information required to complete the report and to assess the alleged victim/survivor's immediate safety.

5.2 First Response (for complaints received by email mail or through the online form)

- 5.2.1 All complaints received by mail, email or through the online form will be immediately forwarded to the Finance and Corporate Services Manager
- 5.2.2 The Finance and Corporate Services Manager will acknowledge receipt of the complaint back to the complainant within one business day.
- 5.2.3 The acknowledgement will outline in general terms what the next steps will be, including providing information about the complaints management process, highlighting the potential that information will be shared with others, such as with their parent/caregiver (if safe to do so), specific people in your organisation, or to regulatory authorities; and
- 5.2.4 If the Finance and Corporate Services Manager believes that the child or adult at risk is at immediate risk of harm, they will do all within their legal power to ensure the child or adult is at risk of immediate safety, such as calling triple zero (000).

6 Assessing external reporting obligations

- 6.1 MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the relevant state-based statutory child protection service, regardless of whether they are listed as a mandatory reporter.
- 6.2 MMSM requires Workplace Participants to report information pertaining to alleged criminal offences to the police.
- 6.3 Safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home, may be reported to the



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Aged Care Quality and Safety Commission.

- 6.4 Safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service may be reported to the NDIS Quality & Safeguards Commission.
- 6.5 Safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or an older person living in their home (conduct by a person's family, other informal supports, or persons known to them from the community, or any other person), may be reported to the relevant State/Territory-based Ageing and Disability Commission.
- 6.6 Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.
- 6.7 Workplace participants are encouraged to seek support from the Finance and Corporate Services Manager, but they are not required to do so before making a report to the regulatory authority.
- 6.8 Except for reporting the information, the reporter will treat the matter with strict confidence.
 - **Refer to Appendix 1 for reporting information for New South Wales.**
 - **Refer to Appendix 2 for reporting information for South Australia.**
 - **Refer to Appendix 3 for reporting information for Tasmania.**
 - **Refer to Appendix 4 for reporting information for Victoria.**
 - **Refer to Appendix 5 for reporting information for Western Australia**

7 Internal Reporting

- 7.1 In addition to meeting reporting obligations, Workplace participants must submit an internal report.
- 7.2 Reports are submitted to the Finance and Corporate Services Manager or to the CEO if the matter relates to the Finance and Corporate Services Manager; this should be done immediately (today, not tomorrow).
- 7.3 Workplace participants may also use the Whistleblowing Policy and reporting pathways if they wish to make a protected report.
- 7.4 Reports should:
 - 7.4.1.1 created at the time of, or as soon as practicable, following a complaint.
 - 7.4.1.2 be submitted immediately.
 - 7.4.1.3 made using the [Safeguarding Complaints Record Form](#).
 - 7.4.1.4 be clearly organized and filed.
 - 7.4.1.5 if not using the complaints record, include all known information, such as the date/time of the report, name and age of the child or adult at risk, nature of the reasonable belief, when and where it occurred, the respondent and the alleged victim/survivor, what external report has been completed, and



any other relevant information.

7.5 Internal reporting will not delay external reporting.

8 Escalation

8.1 If the complaint relates to alleged abuse of a child by a MMSM workplace participant, the Finance and Corporate Services Manager must immediately escalate this to the CEO with a recommendation regarding whether a report needs to be made under any State or Territory Reportable Conduct Scheme (Refer Appendices 1 –5 for more information about Reportable Conduct Schemes).

8.2 If the matter is a historical allegation (including under the National Redress Scheme) or involves a claim of compensation, the Finance and Corporate Services Manager must immediately escalate this to the CEO.

9 Reportable Conduct Schemes

9.1 The CEO is responsible for making notifications to the Reportable Conduct Scheme for any complaints about reportable conduct of MMSM workplace participants. However, if preferred, the Workplace Participant or the Complainant may also directly notify the state-based regulator.

9.2 Reportable Conduct Scheme legislation exists within New South Wales, Tasmania, Victoria, and Western Australia, under state-based legislation.

9.3 A reportable allegation is an allegation that a MMSM Workplace participant has engaged in conduct towards a child that may be reportable, either within the context of their role and/or position with MMSM, or within their personal life.

9.4 The CEO must report allegations of reportable conduct to the relevant state-based regulators within prescribed timeframes.

Refer to Appendices 1 – 5 for Reportable Conduct Processes in each State.

10 Workplace participants cooperation with external investigation

10.1 All correspondence from regulatory authorities should be directed to the Finance and Corporate Services Manager and securely recorded in confidential files.

10.2 MMSM will not interview the adult at risk or child further or otherwise investigate until the relevant regulatory authorities have provided it with permission to do so.

11 Risk Assessment

11.1 Finance and Corporate Services Manager will complete or support a risk assessment to identify and minimise any risk to adults at risk and/or children, the respondent, and the proper investigation of the complaint. This will include considering and mitigating any conflicts of interest.



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- 11.2 The risk assessment should be updated throughout the response and investigation process.
- 11.3 If the complaint or disclosure relates to the abuse of an adult at risk or child and involves allegations against a MMSM workplace participant, the Finance and Corporate Services Manager will notify the CEO.
- 11.4 The CEO will assess the risk of the person contacting adults at risk or children. If there is a risk, the CEO will remove the person from active duty, which could include:
 - 11.4.1 standing down (with pay, where applicable).
 - 11.4.2 re-assignment to other duties that do not have contact with adults at risk and/or children.
 - 11.4.3 working under increased supervision while the matter is being investigated.
- 11.5 This decision will be made with the Finance and Corporate Services Manager, and if appropriate, the Regional Manager. The best interests of children and the safety of adults at risk and children guide decision making.

12 Investigations

- 12.1 All complaints relating to MMSM workplace participants, programs, sites, or services will be investigated by MMSM.
- 12.2 If the matter has been reported to authorities, no MMSM internal investigation or interview will commence until clearance has been provided by the relevant state regulator and / or police.
- 12.3 All workplace participants must co-operate fully with any internal investigation by MMSM.
- 12.4 If a workplace participant has an allegation made against them, they will be withdrawn from active duty immediately. The protection of the victim is the most important consideration.
- 12.5 MMSM will investigate any complaints in accordance with the principles of natural justice and procedural fairness.
 - 12.5.1 MMS will make every effort to keep any investigation confidential; however, from time-to-time other people may need to be consulted in conjunction with the investigation (e.g. to provide witness statements). MMSM will ensure that any conflicts of interest are considered and managed.
 - 12.5.2 An investigation conducted by MMSM will be conducted in accordance with an investigation plan that assures procedural fairness to protect the integrity of the investigation and the interests of all the participants involved in the investigation. This includes ensuring that the respondent (the workplace participant against whom the complaint has been made)



is given an opportunity to respond.

12.5.3 Internal investigations (whether conducted internally by MMSM or externally by an independent investigator) assess whether the allegation(s) is substantiated on the balance of probabilities and if any substantiated allegations.

12.6 In some circumstances, it may be appropriate for MMSM to engage a person (or people) from outside the organisation to conduct an independent investigation or provide advice in relation to allegations, such as a legal representative.

12.7 Before and following any investigation, an updated risk assessment should be undertaken to ensure risks to adults and/or children are managed. MMSM has full discretion to put in place safety management plans or take disciplinary action (including increased supervision, disciplinary action, dismissal or summary dismissal) where it forms a reasonable belief that it is not safe for workplace participants to interact with adults at risk and/or children, in accordance with its duty of care.

12.8 Following any internal investigation, findings and recommendations should be made. The findings of the investigation will also be reported to any external body as required (e.g. if the Reportable Conduct Scheme applies, SOSJ will provide an interim or final report to the Office of the Children's Guardian within 30 calendar days of making the report).

12.9 Internal Investigations must be recorded, including the process, allegations, findings and recommendations.

13 Support and communication with complainant

13.1 MMSM will provide complainants with updates regarding its response to the complaint, including the investigation process, as appropriate.

13.2 As part of MMSM's duty of care and commitment to pastoral care, MMSM will provide support to adults at risk and children who are impacted by abuse. This may include:

- monitoring their wellbeing and safety.
- referring them to support, counselling and/or pastoral care where appropriate.
- referring them to medical care or other care if appropriate.
- arranging a support person for the adult at risk or child; and
- liaising with appropriate professionals.

The MMSM Finance and Corporate Services Manager maintains a list of reputable service providers to support referrals for support and care.

13.3 MMSM will also offer adult complainants pastoral care, a personal meeting or a direct personal response, or support as required.



- 14 **Monitoring, support and communication with workplace participants respondents**
- 14.1 As part of MMSM's duty of care and commitment to pastoral care, MMSM will support respondents identified within the context of a complaint or allegation. This may include:
- monitoring and supporting the wellbeing of the respondent.
 - arranging a support person for the respondent.
 - referring to the respondent to counselling and/or pastoral care where appropriate.
 - ensuring the respondent has a safe place to stay and consideration given to other practical and financial needs; and/ or
 - ensuring access to Spiritual Direction.
- 14.2 MMSM will ensure the respondent is informed of the allegation with enough detail.
- 14.3 MMSM will remain in regular contact with the respondent and ensure that they are kept informed of the investigation's progress as appropriate.
- 14.4 MMSM will inform the respondent in writing of the outcomes of the investigations and inform the respondent of their right to a review.
- 15 **Privacy and record keeping**
- 15.1 MMSM recognises the importance of keeping accurate and complete records as part of its safeguarding strategy.
- 15.2 MMSM will retain records, related to safeguarding complaints, securely for fifty (50) years and will ensure that they are kept securely. This includes records related to the complaint, any associated internal reports and communication, external reports to authorities such as the police, child protection or regulators, referrals to external agencies, workplace investigations, and disciplinary outcomes.
- 16 **Information Sharing**
- 16.1 At all times, the confidentiality of all individuals involved, particularly adults at risk and children, must be maintained, and information regarding the complaint should only be shared on a need-to-know basis. Workplace participants must comply with their Information Sharing and Record Keeping Policy.
- 16.2 Needs to know includes requirements to share information about complaints that include potential criminal conduct, reportable conduct or that raise concern that child needs protection, as outlined in section 7 above.
- 16.3 Needs to know also includes requirements to share information internally with appropriate MMSM representatives, as outlined in Section 8 above.

17 **Consequences**

- 17.1 Any breach of this policy may result in disciplinary action, including up to termination of engagement or employment.
- 17.2 Complaints against Workplace Participants will be managed with reference to the Managing Performance and Misconduct Policy.
- 17.3 Based on the findings and recommendations, MMSM assesses whether a breach of its Safeguarding Policy or the Code of Conduct (or any other related policies or procedures) has occurred.
- 17.4 The complainant will be notified of the outcome.
- 17.5 A final risk assessment should be undertaken to ensure risks to adults at risk, and children are managed.
- 17.6 Where a complaint related to the sexual abuse of an adult or child against a SOSJ Sister is substantiated, they will be removed from ministry. Where a complaint related to an adult or child sexual abuse against an individual participating in formation is substantiated, the formation process will be discontinued. Complaints of this nature will be referred to by the local civil authority and relevant child protection agencies.
- 17.7 If a sister is convicted of an offence relating to sexual abuse, the sister will be permanently removed from ministry and will not be permitted to hold themselves out as a person with religious authority. Where an individual participating in training is convicted of an offence relating to sexual abuse, the formation process will be discontinued. Convictions of this nature may also be referred to the relevant dicastery.

18 **Related Policies, Procedures, Documents, and Legislation**

- 18.1 This procedure should be read in conjunction with the following related MMSM documents:
 - Code of Conduct
 - All other documents in the Safeguarding Framework including the Safeguarding Commitment Statement, Safeguarding Policy and the range of supporting Policy and Procedures:

- Privacy Policy	- Safeguarding Complaints Handling & Reporting Procedure
- Performance Policy	
- Risk Management Policy	
- Complaints and Grievance Management Policy	- Safeguarding Information Sharing and Record Keeping Procedure
- Whistleblowing Policy	

- 18.2 This procedure has been created to support **MMSM** to comply with relevant safeguarding legislation in each state that **MMSM** operates.

	Mandatory Reporting	Reportable Conduct
Victoria	<i>Children, Youth and Families Act 2005 (Vic.)</i>	<i>Child Wellbeing and Safety Act 2005 (the Act).</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>	Children's Guardian Act 2019 NSW
Tasmania	<i>Children, Young Persons and their Families Act 1997 Tas</i>	<i>Child and Youth Safe Organisations Act 2023 (Tas)</i>
South Australia	<i>Children and Young People Safety Act 2017 SA</i>	n/a
Western Australia	<i>Children and Community Services Act 2004 (WA)</i>	<i>Parliamentary Commission Amendment (Reportable Conduct) Act 2022 (WA)</i>

19 Procedural Review

- 19.1 A review of this policy shall be conducted every three years or earlier if required, such as due to changes in legislation or following a critical incident.
- 19.2 The review will analyze safeguarding incidents and complaints, ensuring that lessons learned are included in policy updates.
- 19.3 The Finance and Corporate Services Manager is responsible for ensuring that this procedure is reviewed and updated as needed. They will work with the Safeguarding Committee.
- 19.4 The Finance and Corporate Services Manager is responsible for communicating updates with MMSM workplace participants and to update the MMSM Training Program as required, to reflect changes in procedures.

Appendix 1: Reporting Information New South Wales

<p>1 Is it an emergency?</p>	<p>Workplace participants will stay with the adult at risk or child (if within their presence) and take all reasonable steps to ensure the person's safety.</p>	<p>Phone Triple Zero (000).</p>
<p>2 Is there a reporting obligation?</p>	<p>Mandatory Reporters that have reasonable grounds to suspect that a child is at risk of significant harm* and those grounds that arise from their work with MMSM must make a report to the Department of Communities and Justice.</p> <p>Mandatory reporters include an employee or a manager who are involved in the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children (<i>Children and Young Persons (Care and Protection) Act 1998</i>).</p> <p>Voluntary Reporting: any person that has reasonable grounds to suspect that a child is at risk of significant harm*, may disclose that information to the Department of Communities and Justice (<i>Children and Young Persons (Care and Protection) Act 1998</i>).</p> <p>MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the NSW child protection service, regardless of whether they are listed as a mandatory reporter.</p> <p>Any person that knows, believes or ought to know that a child has been abused must make a report to the police as soon as practicable (<i>Crimes Act 1900</i>).</p> <p>Any person that knows that another MMSM Workplace Participant poses a serious risk of abusing a child must not negligently fail to reduce or remove the risk. Reporting to the police or the Department of Communities and Justice is one way to reduce or remove the risk (<i>Crimes Act 1900</i>).</p> <p>Any person that believes or suspects that an adult at risk is being abused or neglected may report the belief or suspicion and reasons to: Police and/ or the Aged Care Quality and Safety Commission (<i>Aged Care Quality and Safety Commission Act 2018, Compilation No.9 2024</i>) and / or the NDIS Quality and Safeguards Commission (<i>National Disability Insurance Scheme Act 2013</i>) and/or the NSW Ageing and Disability Commission.</p> <p>Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.</p>	<p>Contact the Child Protection Helpline on 132 111.</p> <p>and/or phone police on Triple Zero (000)</p> <p>Request that if an interview is to take place at MMSM, the visiting police officer/ Department of Communities and Justice representative is in plain clothes.</p> <p>To make a report concerning an adult at risk, call the police on Triple Zero (000)</p> <p>and/or phone Aged Care Quality and Safety Commission on 1800 951822</p> <p>and/or phone NDIS Quality & Safeguards Commission on 1800 035 544</p> <p>and/or phone NSW Ageing & Disability Commission on 1800 628 221</p> <p>and/or phone National Elder Abuse on 1800 353 374</p>
<p>3 Internal Reporting</p>	<p>A record of the complaint and reports should be created using the Safeguarding Complaints Record Form</p> <p>Submit the Record to the Finance and Corporate Services Manager immediately (today, not tomorrow)</p> <p>If the Safeguarding Coordinator is implicated, submit the Complaints Record Form to the CEO instead.</p>	<p>Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au</p>

4 Reportable Conduct Notification

If the matter involves an allegation of **reportable conduct*** against a MMSM Workplace Participant the Finance and Corporate Services Manager, will report the matter to the CEO with a recommendation regarding whether the Reportable Conduct Scheme applies (*Children's Guardian Act 2019*).

Within 7 business days: The CEO (or their delegate) will notify the Office of the Children's Guardian after becoming aware of the reportable allegation.
[7 day notification form](#)

Within 30 business days of initial report:

If MMSM has not completed its investigation or determination within 30 days of becoming aware of the reportable allegation or reportable conviction, the CEO (or their delegate) must submit an interim report.
[30 day notification form](#)

Once the CEO is satisfied that the investigation has been completed, they must provide an entity report. The entity report must include an analysis of the evidence and rationale for the findings made about the reportable allegations.

The entity report may be provided within 30 days of notifying, or after the interim report.

[Final Report Form](#)

Definition of At Risk (*Children and Young Persons (Care and Protection) Act 1998*)

A child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances—

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (b1) in the case of a child or young person who is required to attend school in accordance with the [Education Act 1990](#)—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, consequently, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- (f) the child was the subject of a pre-natal report under section 25, and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level practical, the risk factors that gave rise to the report.

Notes:

- Any such circumstances may relate to a single act or omission or to a series of acts or omissions.
- Physical or sexual abuse may include an assault and can exist even though consent has been given.

Definition of Reportable Conduct, NSW (*The Children's Guardian Act 2019*)

Reportable conduct includes: sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900; and behaviour that causes significant emotional or psychological harm to a child.

Sexual offence: an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as sexual touching of a child; a child grooming offence; production, dissemination or possession of child abuse material. An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorized as a reportable allegation of a sexual offence.

Sexual misconduct is any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence). For example (non-exhaustive): descriptions of sexual acts without a legitimate reason to provide the descriptions; sexual comments, conversations or communications; comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Assault: technically, any form of unwarranted touching can, depending on the context in which it occurs, constitute an assault. However, the Act explicitly exempts from notification of assaults that are, in all circumstances, trivial or negligible – as long as they are investigated under workplace procedures. Generally, physical force that does not result in more than transient injury and which had no potential to result in serious injury – with consideration to the context and circumstances in which the alleged assault took place – would be considered ‘trivial or negligible’.

Under the Act, an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk): applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

Allegations of ‘serious physical assault’, if proven, must be reported to the OCG for the purpose of the Working with Children Check. Therefore, it is important to obtain the information necessary to determine whether the alleged assault, if proven, will constitute a serious physical assault.

What is serious physical assault? A physical assault is not serious where: it only involves minor force; and it did not, and was not ever likely to, result in serious injury.

A physical assault is serious where: it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or it had the potential to result in a serious injury; or the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravating circumstances might include associated inhumane or demeaning behaviour by the employee, for example kicking a child, pulling a child by grabbing the child around the neck).

Ill-treatment is conducted towards a child that is: unreasonable; and seriously inappropriate, improper, inhumane or cruel. Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

Neglect is a significant failure – by a person with parental responsibility for the child, or an authorised carer or an employee if the child is in the employee’s care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child. Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

Behaviour that causes emotional or psychological harm is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child. For a reportable allegation involving psychological harm, the following elements must be present: an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and evidence of psychological harm to the child that is more than transient, including displaying patterns of ‘out of character behaviour’, regression in behaviour, distress, anxiety, physical symptoms or self-harm, and an alleged causal link between the employee’s conduct and the significant emotional or psychological harm to the child.

Appendix 2: Reporting Information South Australia

<p>1 Is it an emergency?</p>	<p>Workplace participants will stay with the adult at risk or child (if within their presence) and take all reasonable steps to ensure the person's safety.</p>	<p>Phone Triple Zero (000).</p>
<p>2 Is there a reporting obligation?</p>	<p>Mandatory Reporters that have reasonable grounds to suspect that a child is, or may be, at risk of harm* and those grounds arise from their work with MMSM must make a report to the South Australian Department for Child Protection.</p> <p>Mandatory reporters include prescribed health practitioners, police officers, community correction officers, social workers, ministers of religion, employees of, or volunteers in, an organisation formed for religious or spiritual purposes, teachers, or employees or volunteers in organisations that provide health, welfare, education, sporting, recreational, child care or residential services for children that provide services directly to children/young people. (Children and Young People (Safety) Act 2017)</p> <p>Voluntary Reporting: any person that has reasonable grounds to suspect that a child is, or may be, at risk of harm*, may disclose that information to the Department for Child Protection (<i>Children and Young Persons (Care and Protection) Act 1998</i>) using the same process as mandatory reporters.</p> <p>MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the SA Department for Child Protection, regardless of whether they are listed as a mandatory reporter.</p> <p>Any person that knows, believes or ought to know that a child has been abused must make a report to the police as soon as practicable (<i>Crimes Act 1900</i>).</p> <p>Any workplace participant that fails to report to police that they know or suspect that another workplace participant has, is or is likely to sexually abuse a child is guilty of a failure to report offence (Statutes Amendment (Child Sexual Abuse) Act 2021, amendment 1.7.22}.</p> <p>Any person that knows that another MMSM Workplace Participant poses a serious risk of abusing a child must not negligently fail to reduce or remove the risk. Reporting to the police or the Department of Communities and Justice is one way to reduce or remove the risk (<i>Crimes Act 1900</i>).</p> <p>Any person that believes or suspects that an adult at risk is being abused or neglected may report the belief or suspicion and reasons to: Police and/ or the Aged Care Quality and Safety Commission (<i>Aged Care Quality and Safety Commission Act 2018, Compilation No.9 2024</i>) and / or the NDIS Quality and Safeguards Commission (<i>National Disability Insurance Scheme Act 2013</i>).</p>	<p>Contact the Child Abuse Report Line (CARL) on 131478. The report line is available 24 hours a day.</p> <p>and/or phone police on Triple Zero (000)</p> <p>For non-urgent concerns, use the online reporting system, e-CARL: see here</p> <p>Request that if an interview is to take place at MMSM, the visiting police officer/ Department of Communities and Justice representative is in plain clothes.</p> <p>To make a report concerning an adult at risk, call the police on Triple Zero (000)</p> <p>and/or phone Aged Care Quality and Safety Commission on 1800 951822</p> <p>and/or phone NDIS Quality & Safeguards Commission on 1800 035 544</p> <p>and/or phone National Elder Abuse on 1800 353 374</p> <p>and/or Adult Safeguarding Unit-SA Health on 1800 372 310</p>

Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.

3 Internal Reporting

A record of the complaint and reports should be created using the [Safeguarding Complaints Record Form](#).

Submit the Record to the Finance and Corporate Services Manager immediately (today, not tomorrow)

If the Safeguarding Coordinator is implicated, submit the Complaints Record Form to the CEO instead.

Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au

4 Reportable Conduct Notification

There is no reportable conduct scheme in South Australia

Meaning of 'at risk' and 'harm'

A child or young person is "at risk" if:

- the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected); or
- there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of—
 - being subjected to a medical or other procedure that would be unlawful if performed in this State (including, to avoid doubt, female genital mutilation); or
 - taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth; or
 - enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth; or
- the parents or guardians of the child or young person—
 - are unable or unwilling to care for the child or young person; or
 - have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or
 - are dead; or
- the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- the child or young person is of no fixed address; or
- any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.
- in assessing whether there is a likelihood that a child or young person will suffer harm, regard must be had to not only the current circumstances of their care but also the history of their care and the cumulative effect on the child or young person of that history.

"Harm" is:

- reference to physical harm or psychological harm (whether caused by an act or omission) and, includes such harm caused by sexual, physical, mental or emotional abuse or neglect.
- psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

For more information, refer to Sections 17 and 18 of the [Children and Young People \(Safety\) Act 2017](#)
Also refer to the Mandatory Reporting Guidelines: <https://Mandatory-reporting-information-book.->

Definition of Reportable Conduct, NSW (The Children's Guardian Act 2019)

N/A

Appendix 3: Reporting Information Tasmania

<p>1 Is it an emergency?</p>	<p>Workplace participants will stay with the adult at risk or child (if within their presence) and take all reasonable steps to ensure the person's safety.</p>	<p>Phone Triple Zero (000).</p>
<p>2 Is there a reporting obligation?</p>	<p>Mandatory Reporters that have reasonable grounds to believe, suspect or know that a child has been or is likely to suffer being abused or neglected or there is a reasonable likelihood of a child being killed, abused or neglected by a person with whom the child resides* and those grounds arise from their work with MMSM, must make a report to the Tasmanian Department for Education, Children and Young People. (Children, Young Persons and Their Families Act 1997).</p> <p>Mandatory reporters include prescribed health practitioners, police officers, community correction officers, social workers, ministers of religion, employees of, or volunteers in, an organisation formed for religious or spiritual purposes, teachers, or employees or volunteers in organisations that provide health, welfare, education, sporting, recreational, child care or residential services for children that provide services directly to children/young people. (Children and Young People (Safety) Act 2017)</p> <p>Voluntary Reporting: Any person may inform the Department that they believe or suspect on reasonable grounds or knows that a child has been or is being abused or neglected or there is a reasonable likelihood of a child being killed, abused or neglected.</p> <p>MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the SA Department for Child Protection, regardless of whether they are listed as a mandatory reporter.</p> <p>Any person that knows, believes or ought to know that a child has been abused must make a report to the police as soon as practicable (<i>Crimes Act 1900</i>).</p> <p>All adult workplace participants that have information that leads the person to form a reasonable belief that an abuse offence has been committed against another person who was a child at the time of the alleged abuse must not fail without reasonable excuse to disclose that information to a police officer as soon as practicable (<i>Criminal Code Act 1924</i>).</p> <p>Any person that knows that another MMSM Workplace Participant poses a serious risk of abusing a child must not negligently fail to reduce or remove the risk. Reporting to the police or the Department of Communities and Justice is one way to reduce or remove the risk (<i>Crimes Act 1900</i>).</p> <p>Any person that believes or suspects that an adult at risk is being abused or neglected may report the belief or suspicion and reasons to: Police and/ or the Aged Care Quality and Safety Commission (<i>Aged Care Quality and Safety Commission Act 2018, Compilation No.9 2024</i>) and / or the NDIS Quality and Safeguards Commission (<i>National Disability Insurance Scheme Act 2013</i>), and/or <i>Elder Abuse Tasmania</i></p>	<p>Department for Education, Children and Young People Strong Families, Safe Kids Advice and Referral Line</p> <p>Department's Advice and Referral Line on 1800 000 123</p> <p>Advice and referral line: https://strongfamiliesafekids.tas.gov.au/</p> <p>and/or phone police on Triple Zero (000)</p> <p>Request that if an interview is to take place at MMSM, the visiting police officer/ Department of Communities and Justice representative is in plain clothes.</p> <p>To make a report concerning an adult at risk, call the police on Triple Zero (000)</p> <p>and/or phone Aged Care Quality and Safety Commission on 1800 951822</p> <p>and/or phone NDIS Quality & Safeguards Commission on 1800 035 544</p> <p>and/or phone National Elder Abuse on 1800 353 374</p>

and/or Adult Safeguarding Unit-SA
Health on 1800 372 310

Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.

3 Internal Reporting

A record of the complaint and reports should be created using the [Safeguarding Complaints Record Form](#).

Submit the Record to Finance and Corporate Services Manager immediately (today, not tomorrow)

If the Safeguarding Coordinator is implicated, submit the Complaints Record Form to the CEO instead.

Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au

4 Reportable Conduct Notification

If the matter involves an allegation of **reportable conduct*** against a MMSM Workplace Participant, the Safeguarding Coordinator will report the matter to the CEO with a recommendation regarding whether the Reportable Conduct Scheme applies

<https://www.legislation.tas.gov.au/view/html/asmade/act-2023-006>

Within 3 business days: The CEO (or their delegate) will notify the Office of the Independent Regulator after becoming aware of the reportable allegation. The report must be in writing and include basic details such as the worker's name.

Report a concern:

<https://www.oir.tas.gov.au/report-a-concern>

Call the Office of the Independent Regulator on 1800 754 728 or email at contact@oir.tas.gov.au with any questions.

Within 30 days: The CEO (or their delegate) will *provide an update including information about the allegation or conviction, whether any actions have been taken (for example, placing a limit on a worker's contact with children) and any written submissions.*

At the end of the investigation: *the CEO (or their delegate) must provide findings of the investigation, reasons for the findings and details of any actions that have been taken as a result.*

Meaning of 'at risk' and 'harm'

At risk At risk means: (a) the child or young person has been, is being, or is likely to be, abused or neglected, or (b) any person with whom the child resides or has frequent contact with the child (whether the person is, or is not, a guardian of the child): i. ii. has threatened to kill, abuse or neglect the child and there is a reasonable likelihood of the threat being carried out, or has killed, abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person, or (c) the child is a child whose safety, psychological wellbeing or interest are likely to be affected by family violence (Family Violence Act 2004), or (d) the child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution regularly. [See section 4 of the Act for the full meaning.] Note that under the Education Act 2016, for the purpose of mandatory reporting, 'at-risk' includes a child under 18 years of age who does not, without lawful excuse, regularly attend a school or other educational or training institution.

Child sexual abuse Child sexual abuse is any act (including grooming) that exposes a child to, or involves a child in, sexual processes that are beyond their understanding, are contrary to accepted community standards, or are outside what is

permitted by law. Grooming

Grooming means any online or in-person behaviour intended to manipulate and control a child, their family, kin or carers, or other support networks or organisations, with the aim of: gaining access to the child, obtaining the child's compliance, maintaining the child's silence, and/or avoiding discovery of sexual abuse; grooming may be difficult to identify, and can be done by people already known to the child, including by a child's family member, kin or carer.

<https://www.decyp.tas.gov.au/safe-children/safeguarding-children/policy-and-document-library/>

Definition of Reportable Conduct, Child and Youth Safe Organisations Act 2023

Reportable Conduct includes both criminal and non-criminal behaviour. It includes:

Physical violence is the intentional or reckless application of physical force to a person without lawful justification or excuse. Examples of actual physical violence include hitting, striking, punching, pushing, kicking, spitting, dragging, using an object to hit or strike, using restraint or excessive force that is inappropriate to the situation.

Sexual offences are criminal offences of a sexual nature. Examples of sexual offences include persistent sexual abuse of child, procuring child or young person for sexual abuse, rape, distributing, possessing, making and/or accessing child exploitation material offences, incest.

Sexual offences such as committing an indecent act with a child, production of child exploitation material, or assault with indecent intent (when committed against, with, or in the presence of a child).

Sexual misconduct includes inappropriate behaviour, physical contact, voyeurism, speech or communication (including electronic communication) performed in a sexual manner and/or with a sexual intention. Examples of sexual misconduct include:

- an adult massaging a child or young person's shoulders, when it does not form part of their role and for the adult's sexual gratification
- an adult communicating with a child or young person in a sexualised way, such as a teacher texting a student in the school holidays asking them if they want to meet up 'so they can get to know each other better'
- an adult having inappropriate conversations with a child or young person of a sexual nature, such as making comments that sexualises the younger person's body and appearance.

Significant emotional or psychological harm is when the conduct of an adult causes (or is likely to cause) harm to a child or young person's wellbeing and/or development. As a type of reportable conduct, there needs to be a direct connection between the adult's behaviour and the emotional and psychological harm done to the child and/or young person.

Examples of significant **emotional** or **psychological** harm:

- continually ignoring or rejecting a child or young person
- forcing a child or young person to do things by scaring them
- constantly criticising, humiliating or blaming a child or young person
- constantly swearing, yelling or screaming at a child or young person
- telling a child or young person that they are worthless, unloved or not enough
- withholding love, support, praise or attention from a child or young person
- bullying, teasing, insulting or belittling a child or young person
- treating a child or young person badly because of things they cannot change (e.g. disability, gender, sexuality)
- threatening abuse or threats to harm loved ones or pets
- a child or young person witnessing a serious family violence incident involving their caregiver.

Significant neglect is the deliberate or reckless failure to meet the basic needs of the child or young person. It is not accidental, or a result of the child's family or carer experiencing poverty or financial hardship.

Significant neglect means the neglect is more than trivial or insignificant. But the behaviour does not need to have a lasting, permanent effect to be considered significant neglect.

Neglect usually involves a pattern of repeated failure to meet a child or young person's wellbeing needs, but in some circumstances may be a single, significant incident where a caregiver fails to fulfil their duty, resulting in actual harm to a child or young person, or where there is the potential for significant harm to a child or young person.

'Cumulative neglect' can also occur through a combination of different adverse circumstances or events. Cumulative neglect recognises the compounding or combined impact that numerous less significant failures can have on a child or young person.

Failing to report the abuse of a child without reasonable excuse. For example, a child's family friend knows they are being



Mary MacKillop Spirituality Ministry

intentionally deprived of food, water and clean clothes but fails to report this to anyone.

Female genital mutilation when committed against, with, or in the presence of a child.

[Child and Youth Safe Organisations Act 2023](#)

Appendix 4: Reporting Information Victoria

<p>1 Is it an emergency?</p>	<p>Workplace participants will stay with the adult at risk or child (if within their presence) and take all reasonable steps to ensure the person's safety.</p>	<p>Phone Triple Zero (000).</p>
<p>2 Is there a reporting obligation?</p>	<p>Mandatory Reporters that form a belief on reasonable grounds that a child needs protection from child abuse* (physical, sexual, emotional, psychological or neglect) must disclose that information to the police or the Department of Families, Fairness and Housing.</p> <p><i>Children, Youth and Families Act 2005.</i></p> <p>Mandatory reporters include registered medical practitioners, nurses, midwives, registered teachers and early childhood teachers, school principals, school counsellors, police officers, out of home care workers, early childhood workers, youth justice workers, registered psychologists and people in religious ministry.</p> <p>Voluntary Reporting: Any person may inform the Department that they believe or suspect on reasonable grounds that a child is in need of protection.</p> <p>MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the Department of Families, Fairness and Housing, regardless of whether they are listed as a mandatory reporter</p> <p>Any person that knows, believes or ought to know that a child has been abused must make a report to the police as soon as practicable (<i>Crimes Act 1900</i>).</p> <p>Any person (aged 18 or over) that forms a belief, on reasonable grounds, that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (aged 18 or older), must make a report to the police as soon as practicable (<i>Crimes Act 1958</i>).</p> <p>Any person that knows that there is a substantial risk that a relevant child will become the victim of a sexual offence committed by another adult associated with MMSM must not negligently fail to reduce or remove that risk. Reporting the DFFH and/ or police is one way to reduce or remove that risk (<i>Crimes Act 1958</i>).</p> <p>Any person that knows that another MMSM Workplace Participant poses a serious risk of abusing a child must not negligently fail to reduce or remove the risk. Reporting to the police or the Department of Communities and Justice is one way to reduce or remove the risk (<i>Crimes Act 1900</i>).</p> <p>Any person that believes or suspects that an adult at risk is being abused or neglected may report the belief or suspicion and reasons to: Police and/ or the Aged Care Quality and Safety Commission (<i>Aged Care Quality and Safety Commission Act 2018, Compilation No.9 2024</i>) and / or the NDIS Quality and Safeguards Commission (<i>National Disability Insurance Scheme Act 2013</i>), and/or <i>Seniors Rights Victoria</i>.</p>	<p>To make a report concerning a child during business hours – contact the appropriate local government area for DFFH:</p> <ul style="list-style-type: none"> • North Division intake: 1300 664 977 • South Division intake: 1300 655 795 • East Division intake: 1300 360 391 • West Division intake – metropolitan: 1300 664 977 • West Division intake – rural and regional: 1800 075 599 <p>For after-time, call 13 12 78. Ask for Child Protection.</p> <p>AND/OR Phone the police on triple zero (000).</p> <p>Request that if an interview is to take place at a MMSM, the visiting police officer/DFFH representative is in plain clothes.</p> <p>To make a report concerning an adult at risk, call the police on Triple Zero (000)</p> <p>and/or phone Aged Care Quality and Safety Commission on 1800 951822</p> <p>and/or phone NDIS Quality & Safeguards Commission on 1800 035 544</p> <p>and/or phone National Elder Abuse on 1800 353 374</p> <p>and/or Seniors Rights Victoria on 1300 368 821</p>

Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.

3 Internal Reporting

A record of the complaint and reports should be created using the [Safeguarding Complaints Record Form](#).

Submit the Record to the Finance and Corporate Services Manager immediately (today, not tomorrow)

If the Safeguarding Coordinator is implicated, submit the Complaints Record Form to the CEO instead.

Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au

4 Reportable Conduct Notification

If the matter involves an allegation of **reportable conduct*** against a MMSM Workplace Participant, the Safeguarding Coordinator will report the matter to the CEO with a recommendation regarding whether the Reportable Conduct Scheme applies

(Child Wellbeing and Safety Act 2005, amended 2017).
<https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/044>

<https://ccyp.vic.gov.au/report-an-allegation/>

Phone: 1300 782 978

Email: contact@ccyp.vic.gov.au

www.ccyp.vic.gov.au

Within three business days after becoming aware of a reportable allegation, the CEO (or their delegate) must notify the Commissioner for Children and Young People Victoria that a reportable allegation has been made against one of their workers or volunteers.

Within 30 calendar days after becoming aware, the CEO (or their delegate) must provide certain detailed information about the allegations and their proposed response.

It is a criminal offence for a head of an organisation to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse.

*Definition of Child Abuse

Child abuse includes:

- a) any act committed against a child involving:
 1. a sexual offence
 2. grooming offences under section 49M (1) of the Crimes Act 1958
- b) the infliction, on a child, of:
 1. physical violence
 2. serious emotional or psychological harm
- c) the serious neglect of a child.

[Child Wellbeing and Safety Act 2005](#)

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity. Sexual offences are governed by the Crimes Act 1958 (Vic.)

Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity later. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

Child abuse (physical) is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.

Child abuse (emotional) occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child

suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:

'Minor' neglect is low-level neglect that is trivial or temporary.

'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.

'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.

[PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)

Definition of Reportable Conduct, Child and Youth Safe Organisations Act 2023

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

Sexual offences. In Victoria, it is an offence to engage in certain sexual behaviors against, with or in front of, a child. Many of these behaviors are reportable in conduct under the Reportable Conduct Scheme. This includes:

- sexual assault
- indecent acts
- possession of child abuse material
- 'grooming' a child to commit a sexual offence.

A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the *Sentencing Act 1991*.

A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable in conduct.

'**Sexual misconduct**' captures a broader range of inappropriate behaviors of a sexual nature that are not necessarily criminal. Sexual misconduct refers to conduct that:

- amounts to misconduct
- is of a sexual nature, and
- occurred against, with, or in the presence of, a child.

Please refer to [Information Sheet 9 – Sexual misconduct](#) for further guidance.

Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:

actual physical violence – a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which can cause injury or harm to the child. Actual physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.

apprehended physical violence – a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that can cause a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether the worker or volunteer intended that any physical force would be applied.

Please refer to [Information Sheet 10 – Physical violence](#) for further guidance.

Behaviour that causes emotional or psychological harm to a child. Each allegation of this type of reportable conduct should be considered carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances. In determining whether behaviour has caused significant emotional or psychological harm, you should consider the following:

- What were the worker's or volunteer's behaviours? It is important to clearly identify the behaviour. The investigation must find that the behaviour was either intentional or reckless.
- Did the behaviour cause emotional or psychological harm that is significant? If a child was harmed, consideration should be given to:
 - whether that harm amounts to emotional or psychological harm that is significant, and
 - whether the behaviour caused the harm.

(If there is nothing to indicate that the child was harmed then it will not be necessary to consider the two dot points above.)

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in

circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so. Examples of different types of neglect could include:

Supervisory neglect: This may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child or young person or fails to seek or comply with appropriate medical treatment.

- Physical neglect: This may occur where there is the failure to meet a child's physical needs, including the provision of adequate and appropriate food, clothing, shelter, or physical hygiene needs.
- Educational neglect: This may occur when there is a failure to ensure that a child's formal education needs are met.
- Emotional neglect: This may occur where there is a failure to provide adequate nurturing, affection, encouragement, and support to a child.

Neglect will be significant where there has been a deliberate or reckless omission or omissions that separately or together have had, or could have, considerable force or effect on the safety or wellbeing of the child who is the victim of the neglect.

[Child Wellbeing and Safety Act 2005 \(Vic.\)](#)

Appendix 5: Reporting Information Western Australia

<p>1 Is it an emergency?</p>	<p>Workplace participants will stay with the adult at risk or child (if within their presence) and take all reasonable steps to ensure the person's safety.</p>	<p>Phone Triple Zero (000).</p>
<p>2 Is there a reporting obligation?</p>	<p>Mandatory Reporters that form a belief on reasonable grounds that a child has been or is the subject of sexual abuse must make a report to the Department of communities – Child Protection and Family Support.</p> <p>Children and community Services Amendment Act 2021)</p> <p>Mandatory reporters include boarding supervisors, departmental officers of the Department of Communities, doctors, early childhood workers, ministers of religion, nurses and midwives, out-of-home care workers, police officers, psychologists, school counsellors, teachers (including TAFE lecturers), youth justice workers.</p> <p>Voluntary Reporting: Any person that has concerns about the wellbeing of a child may make a report to the Department.</p> <p>MMSM requires Workplace Participants to report information pertaining to alleged child abuse, to the relevant state-based statutory child protection service, regardless of whether they are listed as a mandatory reporter.</p> <p>Any person that knows, believes or ought to know that a child has been abused must make a report to the police as soon as practicable (Crimes Act 1900).</p> <p>Any person (aged 18 or over) that forms a belief, on reasonable grounds, that a sexual offence has been committed in WA against a child (under the age of 16 years) by another person (aged 18 or older), must make a report to the police as soon as practicable (Crimes Act 1958).</p> <p>Any person that knows that there is a substantial risk that a relevant child will become the victim of a sexual offence committed by another adult associated with MMSM must not negligently fail to reduce or remove that risk. Reporting the DFFH and/ or police is one way to reduce or remove that risk (Crimes Act 1958).</p> <p>Any person that knows that another MMSM Workplace Participant poses a serious risk of abusing a child must not negligently fail to reduce or remove the risk. Reporting to the police or the Department of Communities and Justice is one way to reduce or remove the risk (Crimes Act 1900).</p> <p>Any person that believes or suspects that an adult at risk is being abused or neglected may report the belief or suspicion and reasons to: Police and/ or the Aged Care Quality and Safety Commission (Aged Care Quality and Safety Commission Act 2018, Compilation No.9 2024) and / or the NDIS Quality and Safeguards Commission (National Disability Insurance</p>	<ul style="list-style-type: none"> • Online: Make a mandatory report via the Mandatory Reporting Online Form • Email: If you are experiencing technical difficulties lodging a mandatory report online, please email mrs@communities.wa.gov.au to request a hard copy for completion • Telephone: 1800 708 704 • Fax: (08) 6414 7316 • Post: Mandatory Reporting Service, PO Box 8146, PERTH BC, WA 6849 <p>A mandatory report can be made in writing or orally. If an oral report is made, it must be followed by a written report as soon as practicable after making the oral report (ideally within 24 hours).</p> <p>If making a mandatory report online, you can refer to the Department of Communities Mandatory Reporting Information System User Document for further information.</p> <p>AND/OR Ring the police on 000.</p> <p>To make a report concerning an adult at risk, call the police on Triple Zero (000) and/or phone Aged Care Quality and Safety Commission on 1800 951822 and/or phone NDIS Quality & Safeguards Commission on</p>

Scheme Act 2013), and/or THE WA Elder Abuse Hotline.

1800 035 544

and/or phone National Elder Abuse on **1800 353 374**

and/or WA Elder Abuse Helpline on [1300 724 679](tel:1300724679)

Sisters and clergy are also obliged to follow the canonical reporting processes and procedures for complaints involving the alleged sexual abuse committed by a sister, clergy, or other religious.

3 Internal Reporting

A record of the complaint and reports should be created using the [Safeguarding Complaints Record Form](#).

Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au

Submit the Record to the Finance and Corporate Services Manager immediately (today, not tomorrow)

If the Safeguarding Coordinator is implicated, submit the Complaints Record Form to the CEO instead.

4 Reportable Conduct Notification

If the matter involves an allegation of **reportable conduct*** against a MMSM Workplace Participant, the Safeguarding Coordinator will report the matter to the CEO with a recommendation regarding whether the Reportable Conduct Scheme applies

https://www.ombudsman.wa.gov.au/Reportable_Conduct/Reportable_Conduct.htm

Within seven business days after becoming aware of a reportable allegation, the CEO (or their delegate) must notify the WA Ombudsman that a reportable allegation has been made against one of their workers or volunteers (that work with children) or contractors (that work with children).

Western Australian Parliamentary Commissioner Amendment (Reportable Conduct} Act 2022).

Telephone: (08) 9220 7471

Email:

reportableconduct@ombudsman.wa.gov.au • Website at www.ombudsman.wa.gov.au

*Definition of Child Abuse

There are four types of child abuse and neglect, which may co-exist.

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a9243.html

Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level. It includes circumstances where the child has less power than another person involved, is exploited or where the child has been bribed, threatened, or coerced. It also includes situations where there is a significant difference between the developmental or maturity level of the child and another person involved.

Some examples are:

- letting a child watch or read pornography
- allowing a child to watch sexual acts
- fondling the child's genitals
- having oral sex with a child
- vaginal or anal penetration
- using the internet to find a child for sexual exploitation.

Signs of sexual abuse include when a child:

- acts in a sexualised way that is inappropriate to his/her age
- creates stories, poems or artwork about abuse
- has pain, bleeding or swelling in his/her genital area
- starts doing things they have grown out of such as crying a lot, bed wetting or soiling, clinging to caregiver
- has nightmares or sudden unexplained fears
- has a sexually transmitted infection or is pregnant.

Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may

also be the result of putting a child at risk of being injured.	
<p>Some examples are:</p> <ul style="list-style-type: none"> • hitting, shaking, punching • burning and scolding • excessive physical punishment or discipline • attempted suffocation • shaking a baby. 	<p>Signs of physical abuse are:</p> <ul style="list-style-type: none"> • broken bones or unexplained bruises, burns, welts • the child is unable to explain an injury or the explanation is vague • dehydration or poisoning • the child is unusually frightened of a parent or caregiver • arms and legs are covered by clothing in warm weather • when parents delay getting medical assistance for their child's injury • brain damage through shaking or hitting.
<p>Emotional abuse occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings.</p>	
<p>Some examples are:</p> <ul style="list-style-type: none"> • constantly putting a child down • humiliating or shaming a child • not showing love, support or guidance • continually ignoring or rejecting the child • exposing the child to family and domestic violence • threatening abuse or bullying a child • threats to harm loved ones, property or pets. 	<p>Signs of emotional abuse include when a child:</p> <ul style="list-style-type: none"> • is very shy, fearful or afraid of doing something wrong • displays extremes of behaviour for example from being very aggressive to very passive • cannot feel joy or happiness • is often anxious or distressed • feels worthless about life and themselves • has delayed emotional development.
<p>Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged, or they are injured.</p>	
<p>Neglect may be acute, episodic or chronic. Some examples are:</p> <ul style="list-style-type: none"> • leaving a child alone without appropriate supervision • not ensuring the child attends school, or not enrolling the child at school • infection because of poor hygiene or lack of medication • not giving a child affection or emotional support • not getting medical help when required. 	<p>Signs of neglect in children include:</p> <ul style="list-style-type: none"> • untreated sores, severe nappy rash • bad body odour, matted hair, dirty skin • being involved in serious accidents • being hungry and stealing food • often being tired, late for school or not attending school • feeling bad about themselves • when a baby does not meet physical and development milestones without there being underlying medical reasons.

Definition of Reportable Conduct,

<p>There are five types of reportable conduct:</p> <p>Significant Neglect Can occur where there is deliberate or reckless failure to meet the basic needs of a child which has had, or could have, considerable effect on the child's safety or wellbeing. Includes inadequate supervision or failure to seek or comply with medical treatment.</p> <p>Sexual Misconduct Conduct of a sexual nature that is not necessarily criminal. Misconduct can include grooming behaviors such as unwanted / inappropriate touching, inappropriate exposure or conversations of a sexual nature, overly personal / intimate conduct.</p> <p>Sexual Offences Includes sexual assault, indecent acts, possession of child exploitation materials. Sexual offences are criminal and should be reported to the WA Police Force.</p> <p>Physical Assault Includes hitting, punching, kicking, pushing or throwing something that strikes a child or another person. Can also include the apprehension of violence – words, gestures or actions that cause a child to believe physical force is about to be used against them.</p> <p>Behaviour that causes significant emotional or psychological harm Includes severe or sustained verbal abuse, coercive or manipulative behaviour, hostility, rejection, humiliation, belittling and scapegoating children.</p> <p>https://www.ombudsman.wa.gov.au/Reportable_Conduct/RCS-Info.htm</p>

Appendix 6: Reporting links and contact details

National Contact

Aged Care Quality and Safety Commission	1800 951822
NDIS Quality and Safeguards Commission	1800 035 544

State Contact

New South Wales	Child Protection Helpline on 132 111
South Australia	Child Abuse Report Line (CARL) on 13 14 78 Or online using e-CARL (for non-urgent reports) https://ecarl.sa.gov.au/
Tasmania: Child Protection	Department's Advice and Referral Line on 1800 000 123 Advice and referral line: https://strongfamiliesafekids.tas.gov.au/
Tasmania Reportable Conduct	Report a concern: https://www.oir.tas.gov.au/report-a-concern If you have any issues with submitting this form, please call the Office of the Independent Regulator on 1800 754 728 or email us at contact@oir.tas.gov.au
Victoria	
North Division intake	1300 664 977
South Division intake	1300 655 795
East Division intake	1300 360 391
West Division intake – metropolitan	1300 664 977
West Division intake – rural and regional	1800 075 599
For after hours	Call 13 12 78. Ask for Child Protection
Western Australia	Department on 1800 273 889 or lodge an online written report through the Mandatory Reporting Information System

Appendix 7: Safeguarding Complaints Form

Safeguarding Complaint Form.

If you believe an adult at risk or child is at immediate risk of abuse, phone 000.

MMSM recognizes it may be difficult to bring forward a safeguarding complaint, but we encourage you to. If you would like support to raise your concern or complaint, or to record the complaint that you have received (for example a disclosure) please contact the Finance and Corporate Services Manager on Phone # 02 9634 2317 or email safeguarding@sosjspirit.org.au

Send completed form to the Finance and Corporate Services Manager safeguarding@sosjspirit.org.au

All complaints are taken seriously and managed with respect and integrity. Complaint records must be stored confidentially in the Safeguarding Complaints Register.



Important: in addition to this form allegations of child abuse/ harm must be reported to relevant state-based statutory child protection service (see contact details page 4).

Date: 4/09/2025

Details of the person filling in this form:

(leave blank if anonymous)

Please note that while MMSM accept anonyms safeguarding complaints, it may be difficult for us to fully investigate the complaint if we do not have sufficient information and cannot seek follow-up information from you.

First Name	Click or tap here to enter text.	Age (years)	Click or tap here to enter text.
Surname/Family Name	Click or tap here to enter text.	Date of Birth (if known)	Click or tap to enter a date.
Address	Click or tap here to enter text.		
Phone	Click or tap here to enter text.	Email	Click or tap here to enter text.
My relationship with MMSM <i>Put an X in the relevant box.</i>	<input type="checkbox"/> Service User/Client/Customer <input type="checkbox"/> Parent/ guardian/carer/friend of a service user <input type="checkbox"/> Workplace Participant (staff, volunteer, contractor) <input type="checkbox"/> Program Partner <input type="checkbox"/> Concerned member of the community <input type="checkbox"/> Anonymous		
Do you need any support to access this complaint process? For example, interpreter or another kind of support person?	<input type="checkbox"/> Yes. <input type="checkbox"/> No If yes, please describe: Click or tap here to enter text.		

Details of the child or adult at risk:

The same as the person filling in the form. Yes (if yes skip this section) No (if no, please fill in the table below)

First Name	Click or tap here to enter text.	Age (years)	Click or tap here to enter text.
Surname/Family Name	Click or tap here to enter text.	Date of Birth (if known)	Click or tap to enter a date.
Address	Click or tap here to enter text.		
Phone	Click or tap here to enter text.	Email	Click or tap here to enter text.



Mary MacKillop Spirituality Ministry

Their relationship with MMSM <i>Put an X in the relevant box.</i>	<input type="checkbox"/> Service User/Client/Customer <input type="checkbox"/> Parent/ guardian/carer/friend of a service user <input type="checkbox"/> Workplace Participant (staff, volunteer, contractor) <input type="checkbox"/> Program Partner <input type="checkbox"/> Member of the community <input type="checkbox"/> Unknown
<i>Put an X in the relevant box.</i>	
Does the child or adult at risk Identify as a First Nations person? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know If yes, provide further information: Click or tap here to enter text.	
Is the child or adult at risk Identify from a culturally or linguistically diverse background? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know If yes, provide further information: Click or tap here to enter text.	
Does the child or adult at risk have a disability or require special support? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know If yes, provide further information: Click or tap here to enter text.	

Details of the child's parents or adult at risk's legal guardian (if relevant)

Name:	Click or tap to enter a date.
Address (if known):	Click or tap to enter a date.
Contact number (if known):	Click or tap to enter a date.

Alleged incident details

Date of alleged incident:	Click or tap to enter a date.
Time of alleged incident:	Click or tap here to enter text.
Location of alleged incident:	Click or tap here to enter text.
Date Identified <i>(if different from date of incident)</i>	Click or tap to enter a date.

Information about the Safeguarding Complaint

What do you understand to have occurred? Please provide as much detail as possible. If an adult at risk/child has made a disclosure, please include the words the person used to disclose the alleged incident.	Click or tap here to enter text.
Who is the adult at risk/child allegedly at risk? Identifying details if possible, including name and relationship to adult at risk/child and frequency of contact.	Click or tap here to enter text.
Witnesses to the alleged incident?	Click or tap here to enter text.

Other information:	Click or tap here to enter text.
Has the complaint or concern been reported to the authorities?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know If yes, provide further information, including the date of the report, the authority reported to you, and any reference numbers. Click or tap here to enter text.

This section will be completed by the Finance and Corporate Services Manager.

Date Record received:	Click or tap to enter a date.
Complaint ref. number:	Click or tap here to enter text.
Complaint acknowledged?	<input type="checkbox"/> Yes Click or tap to enter a date. <input type="checkbox"/> No (if no, why not?) Click or tap here to enter text.

Categorization of the complaint

- Physical violence
- Sexual Office
- Sexual Misconduct
- Serious emotional or psychological abuse
- Serious neglect
- Grooming
- Breach of the MMSM Code of Conduct
- Breach of the MMSM Safeguarding Policy
- Complaint include potential criminal conduct.
- Complaint includes alleged reportable misconduct?

Has the incident been reported?	Date of Notification	Comments
Regulated state-based agency	Click or tap to enter a date.	Click or tap here to enter text.
Police (Event number if known)	Click or tap to enter a date.	Click or tap here to enter text.
Another third party (please specify):	Click or tap to enter a date.	Click or tap here to enter text.
Reportable Conduct Regulator	Click or tap to enter a date.	Click or tap here to enter text.

Proposed Next Steps

Click or tap to enter a date.
